

4th Session, 3rd Parliament, 14 Victoria, 1851.

BILL.

An Act to amend the law of Upper
Canada relative to the practice of
Physic and Surgery.

Received and read a first time Monday, 9th
June, 1851.

Second reading Wednesday, 11th June, 1851.

Mr. RICHARDS.

BILL.

An Act to amend the law of Upper Canada relative to the practice of Physic and Surgery.

WHEREAS past experience has shewn that penal enactments have not deterred unqualified persons from practising Physic, Surgery and Midwifery, but, on the contrary, such enactments have often had the effect of preventing benevolent persons, well qualified, from lending their aid to relieve physical suffering, and it is therefore expedient and proper to repeal such penal clauses as may exist in any Acts now in force in Upper Canada in relation to the practice of physic, surgery and midwifery: Be it therefore enacted, &c.,

That the sixth and seventh sections of the Act of the Legislature of Upper Canada, passed in the eighth year of the Reign of King George the Fourth, and intituled, "*An Act to amend the laws regulating the practice of Physic, Surgery and Midwifery in this Province,*" shall be, and they are hereby repealed.

II. And be it enacted, That no person shall be liable to any criminal prosecution or to indictment for practising physic, surgery or midwifery without license, except in cases of mal-practice, or gross ignorance, or immoral conduct in such practice.

III. And be it enacted, That any person, not being a licensed physician, or surgeon, or midwife, who shall practise, or attempt to practise physic, surgery or midwifery, or who shall prescribe for or administer medicines or specifics to or for the sick, shall be liable for damages in cases of mal-practice as if such person were duly licensed.

IV. And be it enacted, That any person not being licensed to practise physic, surgery or midwifery, who shall practise, or profess to practise, physic, surgery or midwifery, or shall prescribe medicines or specifics for the sick, and shall in any Court having cognizance thereof be convicted of gross ignorance, mal-practice or immoral conduct, shall be deemed guilty of a misdemeanor and liable to a fine of not less than nor exceeding or to imprisonment in the County Gaol not less than months nor exceeding months, or both in the discretion of the Court.

V. And be it enacted, That this Act shall apply only to Upper Canada.